

CHAPTER 78.

* Chap. 72. A SUPPLEMENT to the Act,* entitled, an act for enlarging the power of the High Court of Chancery.

Persons
dying
seized of
lands, &c.
creditors
may file a
petition,
&c.

SEC. 1. *Be it enacted by the General Assembly of Maryland,* That in case any person shall die seized of any lands, tenements or hereditaments, in this state, intestate, and without heirs of the whole or the half blood, and indebted, and not leaving personal estate sufficient to pay his debts, any of his creditors may file a petition in the chancery court, suggesting such facts, and praying that such real estate, or so much thereof as may be necessary, be sold for the payment of the debts of the deceased, and the attorney-general, upon notice of such petition being filed, shall appear to the same and defend, and the chancellor, being fully satisfied of the truth of the said facts, may order a sale by trustees, of the real estate of such deceased person, or of so much thereof as may be thought necessary, to discharge his debts, for the benefit of his creditors, and if not sufficient to pay the whole debts, the money arising from such sale to be equally distributed among the creditors in proportion to their debts without any preference; and upon any certificate of survey being made and returned in consequence of an escheat warrant, any creditor of the deceased may enter a caveat to the same, and thereupon no patent shall issue until an examination had by the chancellor, and payment made to the creditor or creditors proving their debts to the satisfaction of the chancellor, by sale of the property as aforesaid; and in case any person, having contracted in writing for the sale of any real estate, shall die seized intestate, and without heirs of the whole or half blood, in such case the person claiming a right of conveyance, in consequence of such contract, may file his petition in the chancery court, suggesting such contract, and praying a decree for conveyance, and the attorney-general, upon notice of such petition being filed, shall appear to the same, and the chancellor, being fully satisfied of the truth and validity of the contract, and that the petitioner has a just claim to a conveyance, may decree that the attorney-general shall execute a conveyance upon such terms and conditions as the chancellor shall think proper, and the consideration money, if any due from the person claiming a conveyance as aforesaid, shall be paid before conveyance to the treasurer of the western shore, to be applied, in the first place, to discharge the debts due from the deceased, and the balance to the use of this state.

By 1799, ch. 79, sec. 7, where land is escheated, or becomes the property of the state by the purchaser being an alien, or its having been confiscated, any person having a claim or lien thereon, or a title in equity, may bring a suit against the state, in law or equity, and if brought in the chan-